

Order

Michigan Supreme Court
Lansing, Michigan

February 4, 2022

Bridget M. McCormack,
Chief Justice

163120

LYNDA DANHOFF and DANIEL
DANHOFF,
Plaintiffs-Appellants,

v

SC: 163120
COA: 352648
Oakland CC: 2018-166129-NH

DANIEL K. FAHIM, M.D. and MICHIGAN
HEAD & SPINE INSTITUTE,
Defendants-Appellees,
and

DANIEL K. FAHIM, M.D., PC, KENNETH
P. D'ANDREA, D.O., and WILLIAM
BEAUMONT HOSPITAL, d/b/a
BEAUMONT HOSPITAL-ROYAL OAK,
Defendants.

On order of the Court, the application for leave to appeal the May 6, 2021 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

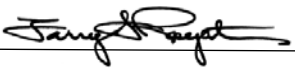
The appellants shall file a supplemental brief addressing: (1) whether this Court's decisions in *Edry v Adelman*, 486 Mich 634 (2010), and *Elher v Misra*, 499 Mich 11 (2016), correctly describe the role of supporting literature in determining the admissibility of expert witness testimony on the standard of care in a medical malpractice case; (2) if not, what a plaintiff must demonstrate to support an expert's standard-of-care opinion; and (3) whether the appellants' standard-of-care expert met the standards for determining the reliability of expert testimony and was thus qualified to testify as an expert witness under MRE 702 and MCL 600.2955 or whether a *Daubert* hearing was necessary before making that decision. See *Daubert v Merrell Dow Pharm, Inc*, 509 US 579 (1993). The appellants' brief shall be filed by April 25, 2022, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellees shall file a supplemental brief within 21 days of being served with the appellants' brief. A reply, if any, must be filed by the appellants within 14 days of being served with the appellees' brief. The parties should not submit mere restatements of their application papers.



m0201

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 4, 2022


Clerk